

Appl. No. 10/701,199
Response dated Feb. 7, 2005
Action mailed Sept. 7, 2004

PATENT APPLICATION
Attorney Docket No. 37955XF

General Authorization Under 37 CFR 1.136(a)(3)

The Patent and Trademark Office is hereby authorized to treat this or any future response requiring a petition for an extension of time, as incorporating a petition for extension of time for the appropriate length of time.

In addition, the Patent and Trademark Office is hereby authorized to charge any fees deemed due under 37 CFR 1.17 to Deposit Account 19-2260.

Further, if it is determined that any other fees are due in this application, or if it is determined that an overpayment has been made, the Patent and Trademark Office is hereby authorized to charge or credit Deposit Account 19-2260 as appropriate.

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REMARKS/ARGUMENTS

This Response has not amended or added any claims. Consequently, this filing has not generated any additional claim fees. It is believed, however, that a two-month extension of time is required. Accordingly, a Petition for a two-month extension of time accompanies this Response.

Sections 1 and 2 of the Office Action reject the pending claims under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 5,414,251. A signed terminal disclaimer form accompanies this Response. A Fee Transmittal form and a duplicate copy thereof, for accounting purposes, accompany this filing in payment of the terminal disclaimer fee. It is believed that the terminal disclaimer overcomes the rejection of sections 1 and 2.

Sections 3 and 4 of the Office Action reject pending claims 1-7, 9-13, 15-21, 23-29 and 31-34 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,513,264 (Wang et al.). Applicant respectfully disagrees with this rejection. The pending claims are supported by the disclosure of parent patent 5,414,251. Parent patent 5,414,251 is a continuation of U.S. Patent Application No. 07/849,771. U.S. Patent Application No. 07/849,771 was filed on March 12, 1992. The filing date of the Wang et al. reference is

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April 5, 1994, and it was issued as a patent on April 30, 1996. Thus, the §102(b) requirement that the patent reference have a date more than one year prior to the date of the pending application is not satisfied by the Wang et al. reference.

Sections 5 and 6 of the Office Action reject pending claims 8, 16 and 32 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,513,264 (Wang et al.) in view of U.S. Patent No. 5,331,176 (Sant' Anselmo et al.). Applicant respectfully disagrees with this rejection. As noted above, the pending claims are supported by the disclosure of parent patent 5,414,251. Parent patent 5,414,251 is a continuation of U.S. Patent Application No. 07/849,771. U.S. Patent Application No. 07/849,771 was filed on March 12, 1992. The filing date of the Wang et al. reference is April 5, 1994, and it was issued as a patent on April 30, 1996. The filing date of the Sant' Anselmo et al. reference is April 10, 1992, and it was issued as a patent on July 19, 1994. Thus, neither Wang et al. nor Sant' Anselmo anticipate the pending claims.

Section 7 of the Office Action rejects pending claims 14, 22 and 30 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,513,264 (Wang et al.) in view of U.S. Patent No. 5,373,148 (Dvorkis et al.). Applicant respectfully disagrees with this rejection. As noted, the pending claims are supported by the disclosure of parent patent 5,414,251. Parent patent 5,414,251 is a continuation of U.S. Patent Application No. 07/849,771. U.S. Patent Application No. 07/849,771 was filed on March 12, 1992. The filing date of the Wang et al. reference is April 5, 1994, and it was issued as a patent on April 30, 1996. The filing date of the Dvorkis et al. reference is September 10, 1992,

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and it was issued as a patent on December 13, 1994. Thus, neither Wang et al. nor Dvorkis et al. anticipate the pending claims.

Applicant believes that the above remarks provide a complete response to the issues presented in the Office Action. Further, as a result of the demonstrated allowability of the claims, a Notice of Allowance is respectfully requested.

Respectfully Submitted,

February 7, 2005
Date

By


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